

## **REMARKS**

Claims 1-33 are currently pending in the case.

### **OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 1-33 stand provisionally rejected for obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 09/882174, claims 10-15 of copending Application No. 09/881919, and claims 1-20 of copending Application No. 09/881917. In an effort to move the case forward, Applicants present the attached terminal disclaimers curing the rejections. The rejection should therefore be withdrawn.

### **OBJECTIONS TO THE TITLE**

The Office Action at page 2 objects to the specification stating:

The title of invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The present title is not sufficient for proper classification of the claimed subject matter.

Applicants in response respectfully note that 37 C.F.R. § 1.72(a) requires titles to be “as short and specific as possible.” The title of the present application is “Assignable Director Authority For Control of Streaming Digital Content.” Applicants propose that the title is short, specific, descriptive, and in complete compliance with 37 CFR § 1.72(a).

Furthermore, claim 1 begins by reciting ‘A method of assigning director authority in a system that streams digital content.’ The title is therefore clearly indicative of the invention to which the claims are directed. Applicants therefore respectfully decline to amend the title.

**CLAIM REJECTIONS – 35 U.S.C. § 103 OVER BRIDGMAN  
IN VIEW OF NUSBAUM AND JMF-SUN**

Claims 1-33 stand rejected for obviousness under 35 U.S.C § 103(a) as being unpatentable over Bridgman, *et al.* (U.S. Pub. 2002/0087655) in view of Nusbaum (Application Server Solution Guide, Enterprise Edition: Getting Started) and JMF-Sun (Java Media Framework API Guide). To establish a prima facie case of obviousness, the proposed combination of Bridgman, Nusbaum, and JMF-Sun must teach or suggest all of Applicants' claim limitations and there must be a suggestion or motivation to combine the references. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974); *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991); *Manual of Patent Examining Procedure* §2142. Bridgman, Nusbaum, and JMF-Sun do not teach or suggest all of Applicants' claim limitations and contain no suggestion or motivation to combine the references.

Bridgman, Nusbaum, and JMF-Sun Do Not  
Teach or Suggest All Applicants' Claim Limitations

Applicants independent claims claim respectively a method, system, and computer program product for 'assigning director authority in a system that streams digital content from a multiplicity of sources of digital information to a multiplicity of client devices under control of a multiplicity of directors' that includes, among other elements, 'a multiplicity of sources of digital information,' 'a content server upon which the steps of the method are implemented in computer memory,' and a 'director having director attributes.' The Office Action cites the same two elements of Bridgman, the proxy server (120) and source of content information (110), Bridgman against three distinct elements of Applicants claims: 'a multiplicity of sources of digital information,' 'a content server upon which the steps of the method are implemented in computer memory,' and a 'director having director attributes.' The two distinct elements of Bridgman do not teach

or suggest three distinct elements of Applicants claims. As such, the rejection should be withdrawn and the claims should be allowed.

Turning more specifically to the teaching of Bridgman, the proxy server and source of content information do not teach or suggest even two of the distinct elements of Applicants claims against which they are cited. Turning first to the proxy server, the single proxy server of Bridgman cannot be 'a multiplicity of sources of digital information.' In fact, Bridgman describes another element as a source of content information.

The proxy server of Bridgman also does not teach or suggest a 'a content server' as claimed in the present invention because the 'content server' of Applicants claims also includes 'a store of director instruction records wherein each director instruction record represents one director instruction.' Bridgman does not teach or suggest or even mention 'director instruction records' or 'director instructions.'

Finally, the proxy server of Bridgman also does not teach or suggest a 'director having director attributes' as claimed in the present invention. Bridgman describes the proxy server at paragraph 0030 as 'a server that 'transforms web-based content into, for example, an XML-compliant markup language such as IBM's speech markup language. In stark contrast, a director of the present claims is described at page 12 of the specification:

Typical embodiments of the inventive methods and systems provide means for distributing any form of digital content from any digital media to any number of web clients while maintaining a control mechanism by a remote director. This control mechanism or director further supports changing digital content sources and streams, and changing attributes such as frame rates, so as to provide seamless presentations to any number of clients. Typical embodiments of the director mechanism allow for a hands-off approach in terms of the client devices. Users in typical

embodiments are not required to operate any controls on client devices but rather can simply view the contents of the streaming presentation.

The server that 'transforms web-based content into, for example, an XML-compliant markup language such as IBM's speech markup language of Bridgman is not a director supporting changing digital content sources and streams, and changing attributes such as frame rates, so as to provide seamless presentations to any number of clients. As such the rejection should be withdrawn.

Turning now to the source of content information of Bridgman, the source of content information cannot teach or suggest any either a content server or a director as claimed in the present invention. The proxy server of Bridgman does not teach or suggest a 'content server' as claimed in the present invention because the 'content server' of Applicants claims also include 'a store of director instruction records wherein each director instruction record represents one director instruction.' Bridgman does not teach or suggest or even mention 'director instruction records' or 'director instructions.'

Finally, the source of content information of Bridgman also does not teach or suggest a 'director having director attributes' as claimed in the present invention. Bridgman describes the source of content information at paragraphs 0024 'a Lotus Domino server containing, for example, Lotus Notes based e-mail, calendar, and address book information.' In stark contrast, a director of the present claims is described at page 12 of the specification:

Typical embodiments of the inventive methods and systems provide means for distributing any form of digital content from any digital media to any number of web clients while maintaining a control mechanism by a remote director. This control mechanism or director further supports changing digital content sources and streams, and changing attributes such as frame rates, so as to provide seamless presentations to any number of clients. Typical embodiments of the director mechanism allow for a hands-off approach in terms of the client devices. Users in typical embodiments are not required to operate any controls on client devices but rather can simply view the contents of the streaming presentation.

The 'Lotus Domino server containing, for example, Lotus Notes based e-mail, calendar, and address book information.' of Bridgman is not a director supporting changing digital content sources and streams, and changing attributes such as frame rates, so as to provide seamless presentations to any number of clients. As such the rejection should be withdrawn.

Neither Nusbaum or JMF-Sun cure the deficiencies of Bridgman. Nusbaum is an Application Server Solution Guide having nothing to do with 'a multiplicity of sources of digital information,' 'a content server upon which the steps of the method are implemented in computer memory,' and a 'director having director attributes.' JMF-Sun is a guide to the application programming interface for Java Media Framework also having nothing to do with 'a multiplicity of sources of digital information,' 'a content server upon which the steps of the method are implemented in computer memory,' and a 'director having director attributes' as claimed in the present application. As such, the rejection should be withdrawn and the case allowed.

#### Relations Among Claims

For the reasons discussed above, the proposed combination of Bridgman, Nusbaum, and JMF-Sun does not establish a prima facie case of obviousness for independent claim 1 in the present application. Independent claim 1, therefore, is allowable. Independent claims 12 and 23 claim system and computer program product aspects, respectively, of the method claimed in independent claim 1. Independent claims 12 and 23 are allowable because independent claim 1 is allowable. The rejections of independent claims 1, 12, and 23, therefore, should be withdrawn, and claims 1, 12, and 23 should be allowed.

Claims 2-11 depend from independent claim 1. Claims 13-22 depend from independent claim 12. Claims 24-33 depend from independent claim 23. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because the combination of Bridgman, Nusbaum, and JMF-Sun does not disclose or suggest each

and every element of the independent claims, so also the combination of Bridgman, Nusbaum, and JMF-Sun cannot possibly disclose or suggest each and every element of any dependent claim. The rejections of claims 2-11, 13-22, and 24-33 therefore, should be withdrawn, and these claims also should be allowed.

There Is No Suggestion Or Motivation To  
Combine Bridgman, Nusbaum, and JMF-Sun

To establish a prima facie case of obviousness, there must be a suggestion or motivation to combine Bridgman, Nusbaum, and JMF-Sun. *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The suggestion or motivation to combine Bridgman, Nusbaum, and JMF-Sun must come from the teaching of either Bridgman, Nusbaum, or JMF-Sun themselves, and the Examiner must explicitly point to the teaching within Bridgman, Nusbaum, or JMF-Sun suggesting the proposed combination. Absent such a showing, the Examiner has impermissibly used “hindsight” occasioned by Applicants’ own teaching to reject the claims. *In re Surko*, 11 F.3d 887, 42 U.S.P.Q.2d 1476 (Fed. Cir. 1997); *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re Gorman*, 933 F.2d 982, 986, 18 U.S.P.Q.2d 1885, 1888 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989).

The Office Action cites no portion of Bridgman, Nusbaum, or JMF-Sun explicitly or implicitly suggesting the proposed combination. Without additional analysis demonstrating some suggestion or motivation from the references themselves, the rejection cannot support a prima facie case of obviousness. As such, the rejection should be withdrawn.

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The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447  
for any fees required or overpaid.

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By: 

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